



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson,  
Governor  
George E. Meyer, Secretary  
William R. Selbig, Regional  
Director

Oshkosh Service Center  
905 Bay Shore Drive., P.O.  
Box 2565  
Oshkosh, Wisconsin 54903  
TELEPHONE 920-424-3050  
FAX 920-424-4404

February 17, 2000

Mr. Ron Detjen  
Landmark Limited  
304 Ohio Street  
Oshkosh, WI 54901

SUBJECT: ***Conditional Case Closure of  
Landmark Limited Property, 303 Pearl Avenue, Oshkosh  
WDNR BRRTS ID #03-71-002182***

Dear Mr. Detjen:

The above referenced case file has been reviewed by the WDNR's Northeast Region Case Closure Committee. This panel reviews environmental remediation cases for compliance with state laws, standards, and guidelines to maintain consistency in the closeout of cases. After careful review, the Committee has decided to grant a ***conditional*** case closure. At this time, it appears that actions have been taken to the extent practicable to restore the environment and minimize the harmful effects from this discharge to the air, lands and waters of the state.

**First Condition: Soil or Groundwater Use Restriction**

The WDNR is requiring no further remedial action at this time on the condition that ***you sign and file a "Declaration of Restriction" with your County Register of Deeds office and send proof of this filing to the Department.*** Enclosed please find a draft groundwater use restriction with attachments (maps) for the above referenced property. The deed restriction includes information concerning the property impacted by the restriction that has been provided by you and/or your consultant (or attorney). The restriction is a Department standard format and has been drafted with oversight from Department attorneys. This document should be reviewed and proofread for any errors or incorrect information. If this draft is complete and accurate and you have no corrections, you may use this draft document as a final and sign the document, then file it with the Winnebago County Register of Deeds. If the draft is incomplete or inaccurate please notify me **in writing** and corrections will be made and a final copy then sent to you to sign and file with the Winnebago County Register of Deeds.

Once you have filed the restriction you should then send a copy of the filed document to the



Department. Please be aware that if a groundwater use restriction is recorded for the wrong property because of an inaccurate legal description you have provided, you will be responsible for correcting the problem. Please contact me if you have any questions or concerns regarding the restriction as written.

Please note that case closure is dependent upon the filing of this deed restriction. *If the restriction is not filed with the County Register of Deeds, the case remains active and continued sampling of the monitoring wells at the site will be required.* A workplan of the sampling schedule and maintenance of the monitoring wells will be required within 90 days of the date of this letter if verification of the restriction filing is not received as indicated above.

**Second Condition: Monitoring Well Abandonment**

After filing the restriction with the appropriate county, all monitoring wells, sumps, and/or boreholes and remedial systems must be abandoned according to Chapter NR 141, Wisconsin Administrative Code. The abandonment forms (#3300-5B) should be sent to my attention.

Until verification of **both** the restriction and abandonment documentation is received, the DNR will continue to track this facility as an active BRR site.

Please be aware that this letter does not absolve the current or any future owner of this property, from future decisions regarding this site or impacts which may be discovered and/or traced to past or future activities at this site. If additional information in the future indicates that further investigation and/or remediation is warranted, the Department will require that appropriate action be taken at that time.

The Department appreciates your efforts to protect and restore the environment at this site. If you have any questions regarding this letter, please contact me at (920) 424-0399.

Sincerely,



Kathleen M. Sylvester, Hydrogeologist  
Bureau for Remediation & Redevelopment

cc: Case File - OSH  
Bruce Urben – NER  
Tom Verstegen – COMM  
Lori Huntoon, Site Review Section Chief, Bureau of PECFA, Dept of Commerce,  
P.O. Box 7970, Madison, WI 53707  
Bob Meller, Environmental Compliance Consultants, P.O. Box 1612, Oshkosh, WI 54902

10/11/99

11:43

920 233 7383

SCHWAB REALTY

002

DOCUMENT NO.

WARRANTY DEED  
STATE BAR OF WISCONSIN FORM 2-1982

THIS SPACE RESERVED FOR RECORDING DATA

CITY OF OSHKOSH, a municipal corporation, located  
in Winnebago County, Wisconsin.CONTRACT AND WARRANTY TO... LANDMARK DEVELOPMENT COMPANY,  
a partnership,the following described real estate in... Winnebago  
County, State of Wisconsin:Lots One (1), Two (2) and Three (3) of Block Eighteen (18) in W. W. Wright's 3rd  
Addn., in the First Ward, City of Oshkosh, per Leach's Map of 1894, Winnebago County,  
Wisconsin.

Tax Parcel No: 201-0158

Exempt pursuant to Sec. 77.25(2).

This ... IS NOT..... homestead property.  

Exemption to warranty: None.

Dated this ... 31st ..... day of .....

(SEAL)

May ..... 19 85

CITY OF OSHKOSH, a municipal corporation

By: *William D. Frueh* (SEAL),  
William D. Frueh, City ManagerAnd: *Donna C. Serwas* (SEAL),  
Donna C. Serwas, City Clerk

## AUTHENTICATION

Signature(s): William D. Frueh, City Manager,  
and Donna C. Serwas, City Clerk, City of  
Oshkosh, a municipal corporation,  
authenticated this 31 day of May, 1985.John W. Pence  
TITLE: MEMBER STATE BAR OF WISCONSIN(I am  
authorized by J. Wm. Wm. Wm.)

THIS INSTRUMENT WAS DRAFTED BY

Attorney: John W. Pence  
Oshkosh, Wisconsin(Signatures may be authenticated or acknowledged. Both  
are not necessary.)

## ACKNOWLEDGMENT

STATE OF WISCONSIN

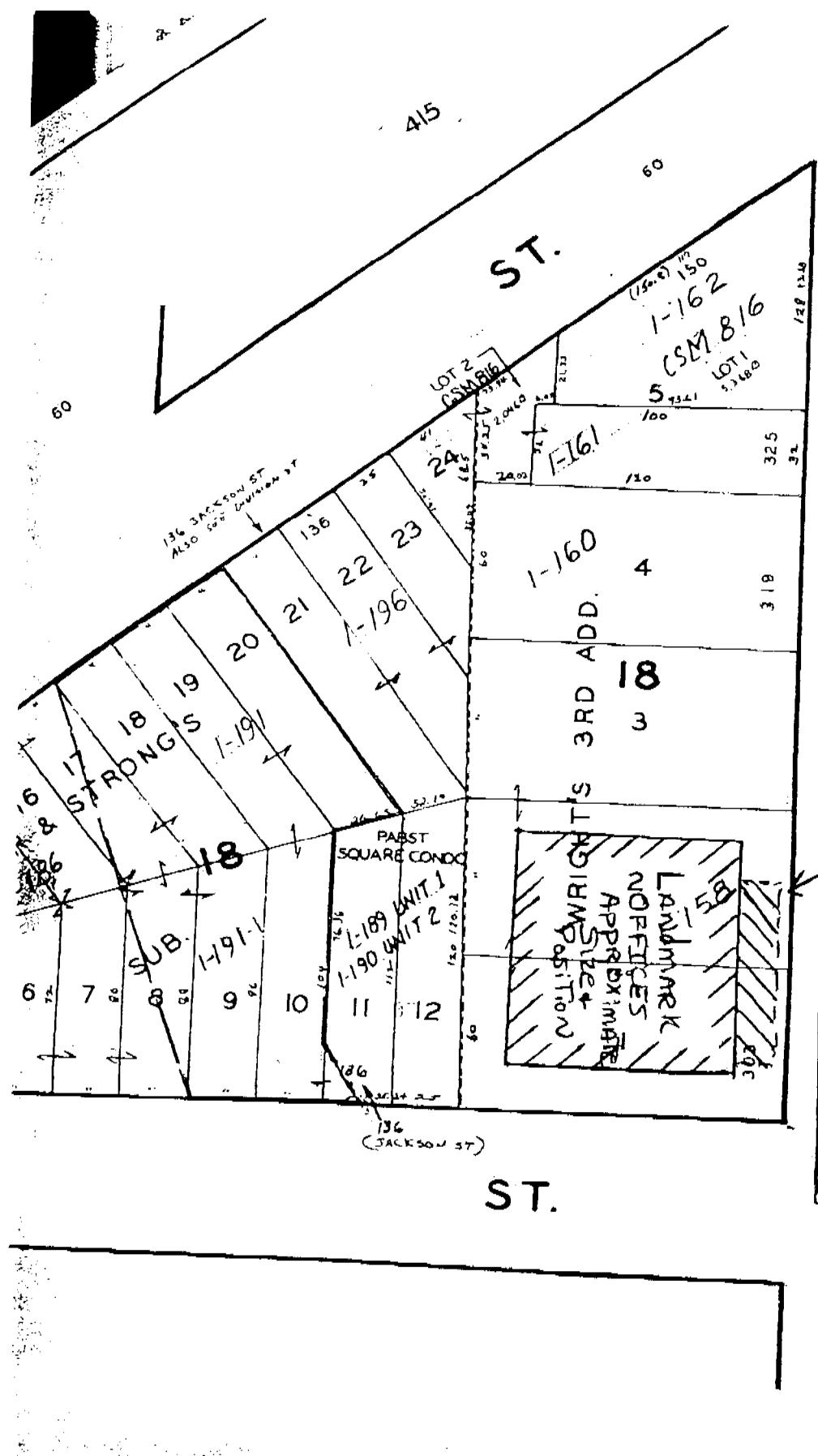
County.

Personally came before me this ..... day of  
....., 19..... the above namedto me known to be the person ..... was executed the  
foregoing instrument and acknowledge the same.A .....  
Notary Public ..... County, Wis.  
My Commission is permanent. (If not state expiration  
date: ..... 19 .....

\*Names of witness and/or Notary Public should be typed or printed below their signatures.

WARRANTY DEED

STATE BAR OF WISCONSIN  
FORM NO. 2-1982Milwaukee Legal Black Co., Inc.  
Milwaukee, WI



**PEARL**  
ST. AREA  
Formerly  
UST HATCH  
Approximate Area of  
Groundwater Contamination  
Above NR 140E.S. &  
U.S.T. HATCH

Document Number



GROUNDWATER USE RESTRICTION

1087184

REGISTER'S OFFICE  
WINNEBAGO COUNTY, WI  
RECORDED ON

02-28-2000 02:15 PM

SUSAN WINNINGHOFF  
REGISTER OF DEEDS

RECORDING FEE 14.00  
TRANSFER FEE  
# OF PAGES 3

In Re: Lots One (1), Two (2), and Three (3) of block Eighteen (18) in W. W. Wright's 3<sup>rd</sup> Addn., in the First Ward, City of Oshkosh, per Leach's Map of 1894, Winnebago County, Wisconsin.

Also identified as 303 Pearl Avenue, Oshkosh, WI

Recording Area

Name and Return Address

RONALD JETJEN  
304 OHIO ST.  
OSHKOSH WI 54902-5888

STATE OF WISCONSIN )  
                      )  
                      ) ss  
COUNTY OF WINNEBAGO )

Parcel Identification Number (PIN)

WHEREAS, LANDMARK DEVELOPMENT COMPANY, a partnership, is the owner of the above-described property.

WHEREAS, one or more petroleum-related discharges have occurred on this property. Petroleum-contaminated groundwater above ch. NR 140, Wis. Adm. Code, enforcement standards existed on this property at the following location(s) : Benzene of 6.2 micrograms per liter (ug/l) at Monitoring Well MW-1 on May 15, 1998 and Benzene of 11 ug/l at Monitoring Well PZ-1 on May 15, 1998. Figure 2 shows the area of contamination and is hereby made a part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further groundwater or soil remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding ch. NR 140 Wis. Adm. Code groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in ch. NR 809 Wis. Adm. Code is restricted by chs. NR 811 and NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

By signing this document, Ronald A. DeJen [Print Name] asserts that he/she is duly authorized to sign this document on behalf of LANDMARK DEVELOPMENT COMPANY.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 28 day of Feb, 2000.

Signature: Ronald A. DeJen

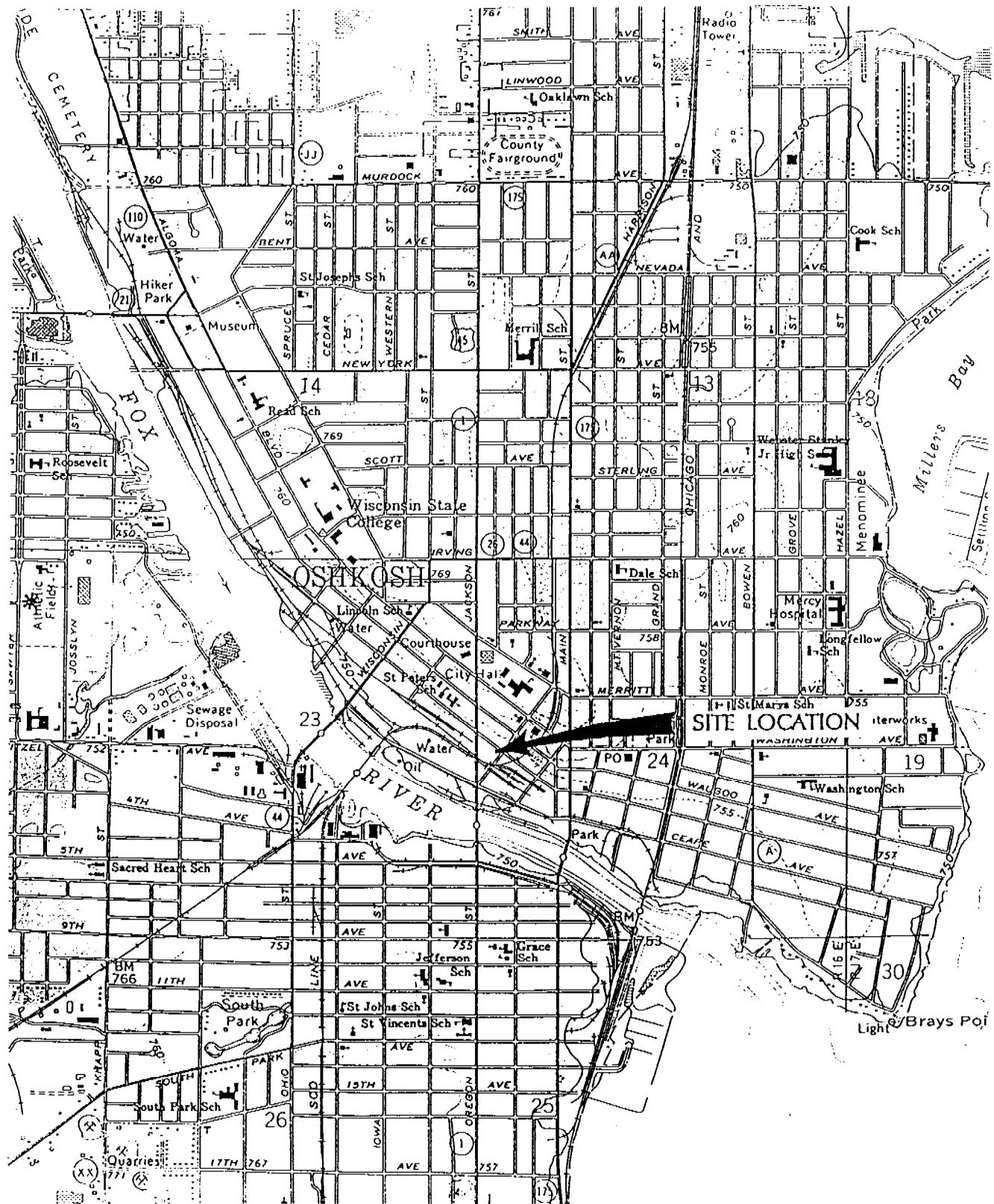
Printed Name: Ronald A. DeJen

Title: General Partner

Subscribed and sworn to before me  
this 28 day of February, 2000.

Susie A. Rodriguez  
Notary Public, State of Wisconsin  
My commission # 11-12-2000

This document was drafted by the Wisconsin Department of Natural Resources based on information provided from Mr. Robert Meller, ECCI.



NOTE: Taken from the  
Oshkosh, Wisconsin  
7.5 Minute USGS Topographic Map  
1961 (photorevised 1975)



#### LANDMARK LIMITED I - OSHKOSH, WISCONSIN

#### FIGURE 1 SITE LOCATION MAP

SCALE: 1" = 2000' DATE: 8-30-96

Environmental Compliance Consultants, Inc.

BY: C. EWALD

Pearl Avenue

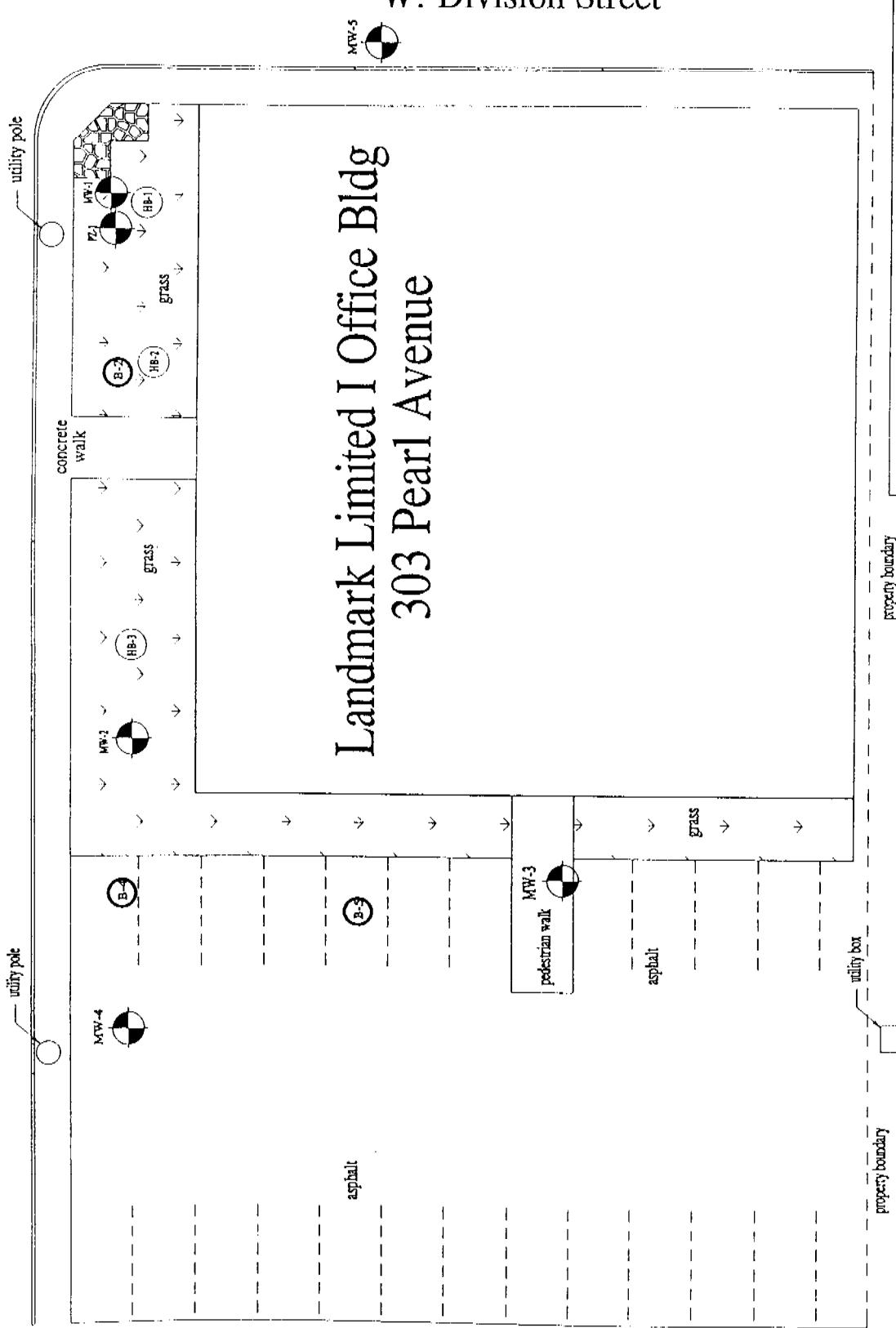


Figure 3. Soil Boring and Monitoring Well Location Map

Landmark Limited I, Oshkosh, WI

SCALE 1" = 25'

DATE April 2, 1998

BY G. J. Wehouse

● Hand Auger Sample

● Monitoring Well

● Soil Boring



Environmental Compliance Consultants, Inc.

(D) Soil Sample locations map

Pearl Avenue

Groundwater Flow Direction = S7E  
(Based on MW-1, MW-2, and MW-5)

↓  
Average Groundwater Flow Direction

S16W

Average Groundwater Flow Direction

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Groundwater Flow Direction

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(Based on MW-1, MW-2, MW-3, and MW-4)

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MW-4

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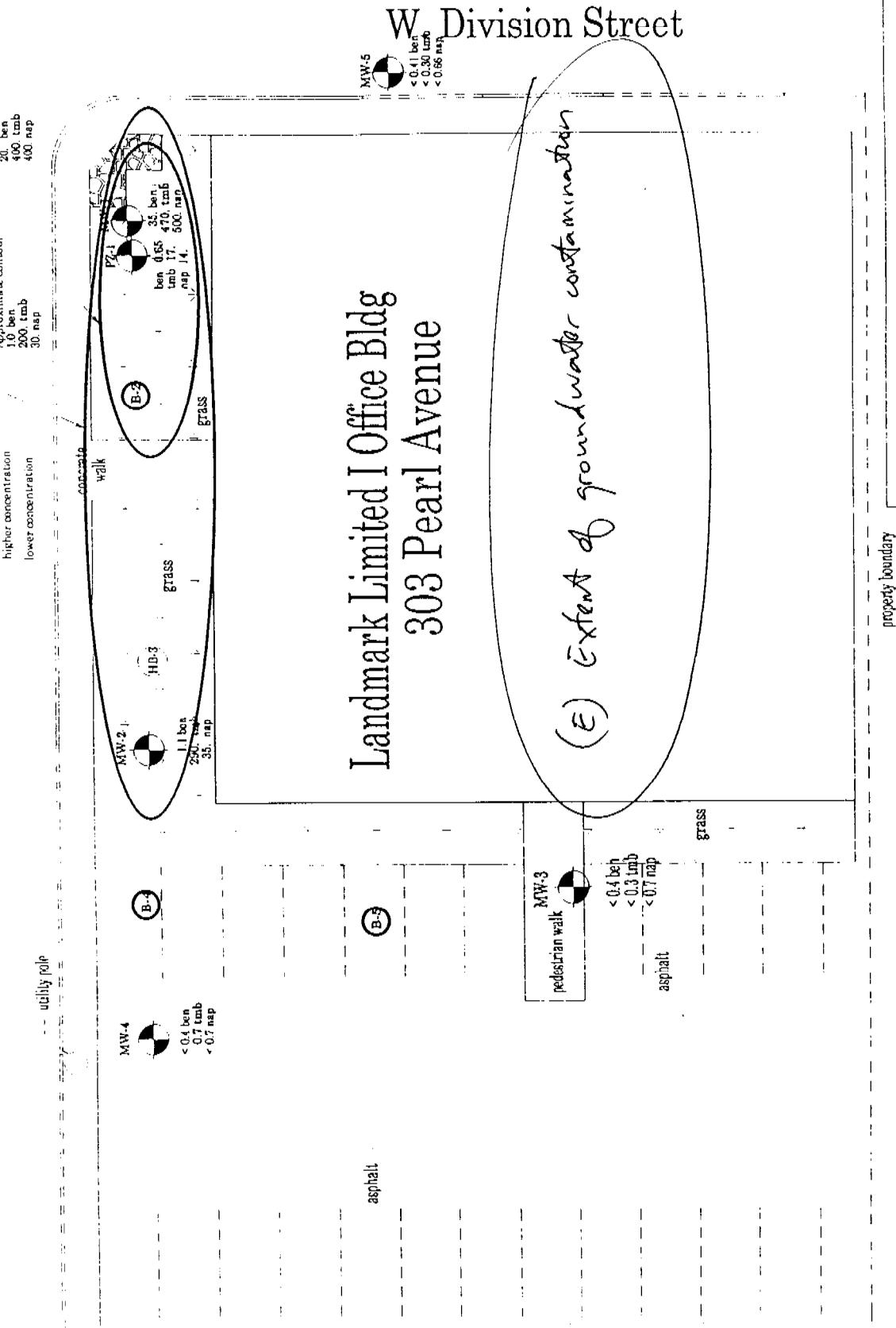
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# Pearl Avenue



Lodmire Limited, Oshkosh, WI

**Figure 2. Horizontal Extent of Groundwater Contamination**

DATE: April 1997  
BY: J. A. Whiting  
Environmental Compliance Consultants, Inc.

493

(I) Groundwater Analytical Results

PVOC Groundwater Sampling Results for MW-1  
Landmark Limited Office Bldg, Oshkosh, WI

Parameter	MW-1				
	PAL	ES	4/8/97	7/3/97	10/1/97
benzene	0.5	5	35*	6.8	6.6*
ethylbenzene	140	700	2.2	0.36	0.4
toluene	68.6	343	1.5	< 0.28	0.3
MTBE	12	60	< 2.5	< 0.53	< 0.5
trimethylbenzene*	96	480	470	100	67
xylenes (total)	124	620	12	4.2	4.2
				5.0	5.0
					4.3

Notes: All results are in units of  $\mu\text{g/l}$  unless otherwise noted. PAL and ES refer to NR 140 groundwater Preventative Action Limits and Enforcement Standards, respectively. Shading indicates NR 140 ES exceedance.

\* trimethylbenzene refers to combined 1,2,4- and 1,3,5-trimethylbenzene.

**PVOC Groundwater Sampling Results for MW-2**  
 Landmark Limited Office Bldg, Oshkosh, WI

Parameter	MW-2				
	PAL	ES	4/8/97	7/3/97	10/1/97
benzene	0.5	5	<b>1.1</b>	< 0.82	< 0.82
ethylbenzene	140	700	0.9	< 0.46	< 0.46
toluene	68.6	343	1.8	< 0.56	< 0.56
MTBE	12	60	< 1.0	< 1.1	< 1.1
trimethylbenzene*	96	480	<b>290</b>	<b>240</b>	<b>260</b>
xylenes (total)	124	620	3.6	0.62	0.58
				4.3	0.78

Notes: All results are in units of  $\mu\text{g/l}$  unless otherwise noted. PAL and ES refer to NR 140 groundwater Preventative Action Limits and Enforcement Standards, respectively. Shading indicates NR 140 ES exceedance.

\* trimethylbenzene refers to combined 1,2,4- and 1,3,5-trimethylbenzene.

**PVOC Groundwater Sampling Results for MW-3**  
 Landmark Limited Office Bldg, Oshkosh, WI

Parameter	MW-3					
	PAL	ES	4/8/97	7/3/97	10/1/97	1/29/98
benzene	0.5	5	< 0.4	< 0.41	< 0.41	< 0.16
ethylbenzene	140	700	< 0.2	< 0.23	< 0.23	< 0.29
toluene	68.6	343	< 0.3	< 0.28	< 0.28	< 0.32
MTBE	12	60	2.8	6.8	10.	8.2
trimethylbenzene*	96	480	< 0.3	< 0.30	< 0.30	0.82
xylenes (total)	124	620	< 0.5	< 0.51	< 0.51	< 0.21
						< 0.24

Notes: All results are in units of  $\mu\text{g/l}$  unless otherwise noted. PAL and ES refer to NR 140 groundwater Preventative Action Limits and Enforcement Standards, respectively. Shading indicates NR 140 ES exceedance.

\* trimethylbenzene refers to combined 1,2,4- and 1,3,5-trimethylbenzene.

**PVOC Groundwater Sampling Results for MW-4**  
 Landmark Limited Office Bldg, Oshkosh, WI  
 Feasibility Report

Parameter	MW-4				
	PAL	ES	4/8/97	7/3/97	10/1/97
benzene	0.5	5	< 0.4	< 0.41	< 0.41
ethylbenzene	140	700	< 0.2	< 0.23	< 0.23
toluene	68.6	343	< 0.3	< 0.28	< 0.28
MTBE	12	60	< 0.5	< 0.53	< 0.53
trimethylbenzene*	96	480	0.7	< 0.30	< 0.30
xylenes (total)	124	620	< 0.5	< 0.51	< 0.28
					< 0.21
					< 0.24

Notes: All results are in units of  $\mu\text{g/l}$  unless otherwise noted. PAL and ES refer to NR 140 groundwater Preventative Action Limits and Enforcement Standards, respectively. Shading indicates NR 140 ES exceedance.  
 \* trimethylbenzene refers to combined 1,2,4- and 1,3,5-trimethylbenzene.

**PVOC Groundwater Sampling Results for MW-5**  
 Landmark Limited Office Bldg, Oshkosh, WI

Parameter				MW-5
	PAL	ES	1/29/98	5/15/98
benzene	0.5	5	< 0.41	< 0.27
ethylbenzene	140	700	< 0.23	< 0.32
toluene	68.6	343	< 0.28	< 0.27
MTBE	12	60	< 0.53	< 0.32
naphthalene	8	40	< 0.66	< 0.35
trimethylbenzene*	96	480	< 0.30	< 0.22
xylenes (total)	124	620	< 0.28	< 0.24

Notes: All results are in units of  $\mu\text{g/l}$  unless otherwise noted. PAL and ES refer to NR 140 groundwater Preventative Action Limits and Enforcement Standards, respectively. Shading indicates NR 140 ES exceedance.

\* trimethylbenzene refers to combined 1,2,4- and 1,3,5-trimethylbenzene.

**PVOC Groundwater Sampling Results for PZ-1**  
 Landmark Limited Office Bldg, Oshkosh, WI

Parameter	PAL	ES	1/29/98	5/15/98
benzene	0.5	5	<b>0.65</b>	11
ethylbenzene	140	700	< 0.23	< 0.32
toluene	68.6	343	< 0.28	< 0.27
MTBE	12	60	< 0.53	< 0.32
naphthalene	8	40	<b>14</b>	<b>13</b>
trimethylbenzene*	96	480	17	10
xylenes (total)	124	620	0.44	0.91

Notes: All results are in units of  $\mu\text{g/l}$  unless otherwise noted. PAL and ES refer to NR 140 groundwater Preventative Action Limits and Enforcement Standards, respectively.

Shading indicates NR 140 ES exceedance.

\* trimethylbenzene refers to combined 1,2,4- and 1,3,5-trimethylbenzene.

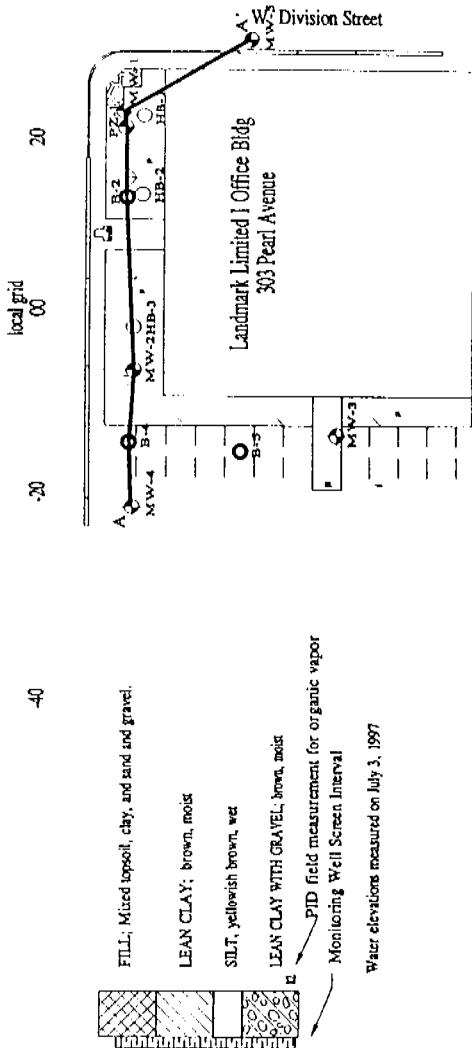
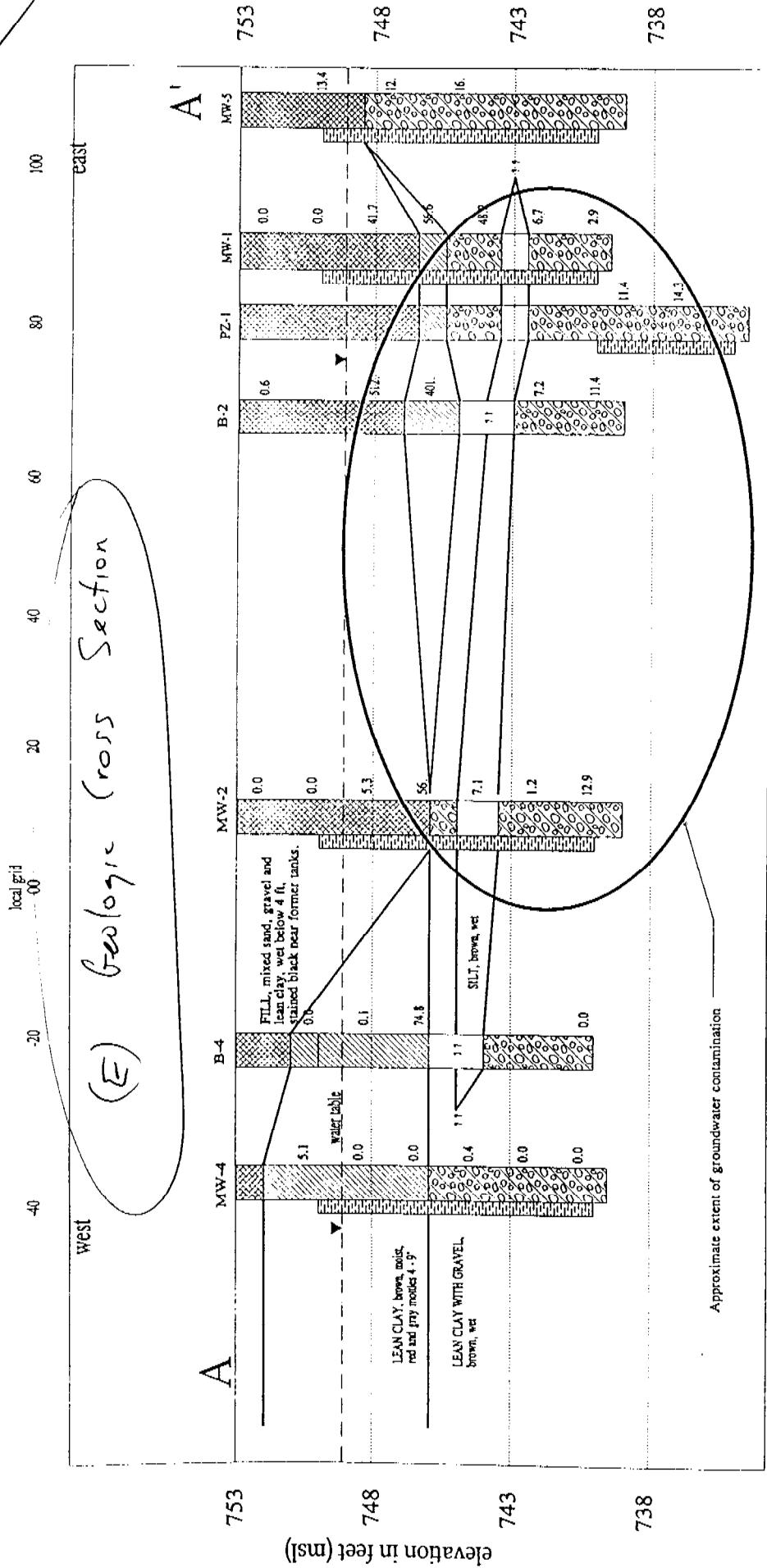


FIGURE 5  
GEOLOGIC CROSS SECTION A - A'